



General Assembly

January Session, 2003

**Amendment**

LCO No. 5898

\*HB0637205898HD0\*

Offered by:

REP. O'ROURKE, 32<sup>nd</sup> Dist.

REP. SPALLONE, 36<sup>th</sup> Dist.

To: Subst. House Bill No. 6372

File No. 35

Cal. No. 57

**"AN ACT CONCERNING DIRECT PRIMARIES."**

1 Strike lines 1 to 11, inclusive, in their entirety and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective January 1, 2004, and applicable to primaries*  
4 *and elections held on or after January 1, 2004*) Petition forms for  
5 candidacies for nomination by a political party to a state office, as  
6 defined in section 9-372 of the general statutes, as amended by this act,  
7 or the district office of representative in Congress shall be available  
8 from the Secretary of the State beginning on the one hundred fifth day  
9 preceding the day of the primary for such state and district offices.  
10 Petition forms for candidacies for nomination by a political party to the  
11 district office of judge of probate, state senator or state representative  
12 shall be available from the Secretary of the State beginning on the day  
13 following the close of the district convention held for the purpose of  
14 nominating such party's candidate for such office. Any person who  
15 requests a petition form shall give the"

16 In line 677, strike "one hundred ninth" and insert "ninety-eighth" in  
17 lieu thereof

18 In line 678, strike "ninety-seventh" and insert "seventy-seventh" in  
19 lieu thereof

20 In line 817, strike "one-hundred-thirty-seventh" and insert "one-  
21 hundred-sixty-eighth" in lieu thereof

22 In line 818, strike "one-hundred-thirty-first" and insert "one-  
23 hundred-sixty-first" in lieu thereof

24 In line 823, strike "thirtieth" and insert "sixtieth" in lieu thereof

25 In line 835, strike "one-hundred-ninth" and insert "eighty-fourth" in  
26 lieu thereof

27 In line 836, strike "ninety-seventh" and insert "seventy-seventh" in  
28 lieu thereof

29 In line 844, strike ", the" and insert ". The" in lieu thereof

30 In line 847, strike ". The" and insert ", the" in lieu thereof

31 In line 1096, strike ", except that petition forms for candidacies for"

32 Strike lines 1097 to 1099, inclusive, in their entirety

33 In line 1100, strike "such office"

34 Strike section 37 in its entirety and substitute the following in lieu  
35 thereof:

36 "Sec. 37. Section 9-423 of the general statutes is repealed and the  
37 following is substituted in lieu thereof (*Effective January 1, 2004, and*  
38 *applicable to primaries and elections held on or after January 1, 2004*):

39 (a) The primaries of all parties for nomination to a state office or the  
40 district office of representative in Congress, to be voted upon at a state  
41 election, shall be held on the fourth Tuesday in June. The primaries of

42 all parties for nomination to any other office to be voted upon at a state  
43 election shall be held on the fifty-sixth day preceding the day of the  
44 election.

45 (b) The primaries of all parties for nomination to an office to be  
46 voted upon at a municipal election shall be held on the fifty-sixth day  
47 preceding the day of the election."

48 After the last section, add the following and renumber sections and  
49 internal references accordingly:

50 "Sec. 501. Subsection (c) of section 9-333j of the general statutes is  
51 repealed and the following is substituted in lieu thereof (*Effective*  
52 *October 1, 2003*):

53 (c) (1) Each statement filed under subsection (a), (e) or (f) of this  
54 section shall include, but not be limited to: (A) An itemized accounting  
55 of each contribution, if any, including the full name and complete  
56 address of each contributor and the amount of the contribution; (B) in  
57 the case of anonymous contributions, the total amount received and  
58 the denomination of the bills; (C) an itemized accounting of each  
59 expenditure, if any, including the full name and complete address of  
60 each payee, the amount and the purpose of the expenditure, the  
61 candidate supported or opposed by the expenditure, whether the  
62 expenditure is made independently of the candidate supported or is an  
63 in-kind contribution to the candidate, and a statement of the balance  
64 on hand or deficit, as the case may be; (D) an itemized accounting of  
65 each expense incurred but not paid; (E) the name and address of any  
66 person who is the guarantor of a loan to, or the cosigner of a note with,  
67 the candidate on whose behalf the committee was formed, or the  
68 campaign treasurer in the case of a party committee or a political  
69 committee or who has advanced a security deposit to a telephone  
70 company, as defined in section 16-1, for telecommunications service  
71 for a committee; (F) for each business entity or person purchasing  
72 advertising space in a program for a fund-raising affair, the name and  
73 address of the business entity and the name of the chief executive

74 officer of the business entity or the name and address of the person,  
75 and the amount and aggregate amounts of such purchases; (G) for  
76 each individual who contributes in excess of one hundred dollars but  
77 not more than one thousand dollars, in the aggregate, to the extent  
78 known, the principal occupation of such individual and the name of  
79 the individual's employer, if any; (H) for each individual who  
80 contributes in excess of one thousand dollars in the aggregate, the  
81 principal occupation of such individual, the name of the individual's  
82 employer, if any, and a statement indicating whether the individual or  
83 a business with which he is associated has a contract with the state  
84 which is valued at more than five thousand dollars; [and] (I) for each  
85 itemized contribution made by a lobbyist, the spouse of a lobbyist or  
86 any dependent child of a lobbyist who resides in the lobbyist's  
87 household, a statement to that effect; and (J) for each individual who  
88 contributes in excess of four hundred dollars in the aggregate to or for  
89 the benefit of any candidate's campaign for nomination at a primary or  
90 election to the office of chief executive officer of a town, city or  
91 borough, a statement indicating whether the individual or a business  
92 with which he is associated has a contract with said municipality that  
93 is valued at more than five thousand dollars. Each campaign treasurer  
94 shall include in such statement an itemized accounting of the receipts  
95 and expenditures relative to any testimonial affair held under the  
96 provisions of section 9-333k or any other fund-raising affair.

97 (2) Each contributor described in subparagraph (G), (H), [or] (I) or  
98 (J) of subdivision (1) of this subsection shall, at the time [he] the  
99 contributor makes such a contribution, provide the information which  
100 the campaign treasurer is required to include under said subparagraph  
101 in the statement filed under subsection (a), (e) or (f) of this section.  
102 Notwithstanding any provision of subdivision (2) of section 9-7b, any  
103 contributor described in subparagraph (G) of subdivision (1) of this  
104 subsection who does not provide such information at the time [he] the  
105 contributor makes such a contribution and any treasurer shall not be  
106 subject to the provisions of subdivision (2) of section 9-7b. If a  
107 campaign treasurer receives a contribution from an individual which

108 separately, or in the aggregate, is in excess of one thousand dollars and  
109 the contributor has not provided the information required by said  
110 subparagraph (H) or if a campaign treasurer receives a contribution  
111 from an individual to or for the benefit of any candidate's campaign  
112 for nomination at a primary or election to the office of chief executive  
113 officer of a town, city or borough, which separately, or in the  
114 aggregate, is in excess of four hundred dollars and the contributor has  
115 not provided the information required by said subparagraph (I), the  
116 campaign treasurer: (i) Within three business days after receiving the  
117 contribution, shall send a request for such information to the  
118 contributor by certified mail, return receipt requested; (ii) shall not  
119 deposit the contribution until [he] the campaign treasurer obtains such  
120 information from the contributor, notwithstanding the provisions of  
121 section 9-333h; and (iii) shall return the contribution to the contributor  
122 if the contributor does not provide the required information within  
123 fourteen days after the treasurer's written request or the end of the  
124 reporting period in which the contribution was received, whichever is  
125 later. Any failure of a contributor to provide the information which the  
126 campaign treasurer is required to include under said subparagraph (G)  
127 or (I), which results in noncompliance by the campaign treasurer with  
128 the provisions of said subparagraph (G) or (I), shall be a complete  
129 defense to any action against the campaign treasurer for failure to  
130 disclose such information.

131 (3) Contributions from a single individual to a campaign treasurer  
132 in the aggregate totaling thirty dollars or less need not be individually  
133 identified in the statement, but a sum representing the total amount of  
134 all such contributions made by all such individuals during the period  
135 to be covered by such statement shall be a separate entry, identified  
136 only by the words "total contributions from small contributors".

137 (4) Statements filed in accordance with this section shall remain  
138 public records of the state for five years from the date such statements  
139 are filed.

140 Sec. 502. Section 7-421 of the general statutes is repealed and the

141 following is substituted in lieu thereof (*Effective July 1, 2003*):

142 (a) No [person employed in the classified civil service] municipal  
143 employee may (1) use his official authority or influence for the purpose  
144 of interfering with or affecting the result of an election or a nomination  
145 for office; (2) directly or indirectly coerce, attempt to coerce, command  
146 or advise a state or local officer or employee to pay, lend or contribute  
147 anything of value to a party, committee, organization, agency or  
148 person for political purposes.

149 (b) A [person employed in said classified service] municipal  
150 employee retains the right to vote as he chooses and to express his  
151 opinions on political subjects and candidates and shall be free to  
152 participate actively in political management and campaigns. Such  
153 activity may include, but shall not be limited to, membership and  
154 holding of office in a political party, organization or club, campaigning  
155 for a candidate in a partisan election by making speeches, writing on  
156 behalf of the candidate or soliciting votes in support of or in opposition  
157 to a candidate and making contributions of time and money to political  
158 parties, committees or other agencies engaged in political action,  
159 except that no classified employee shall engage in such activity while  
160 on duty or within any period of time during which such employee is  
161 expected to perform services for which he receives compensation from  
162 the municipality, and no such employee shall utilize municipal funds,  
163 supplies, vehicles or facilities to secure support for or oppose any  
164 candidate, party, or issue in a political partisan election.  
165 Notwithstanding the provisions of this subsection, any municipal  
166 employee may be a candidate for a federal, state or municipal elective  
167 office in a political partisan election and no municipality or any officer  
168 or employer thereof shall take or threaten to take any personnel action  
169 against any such employee due to such candidacy. No person seeking  
170 or holding state or municipal office in accordance with the provisions  
171 of this subsection shall engage in political activity or in the  
172 performance of the duties of such office while on municipal duty or  
173 within any period of time during which such person is expected to  
174 perform services for which such person receives compensation from

175 the municipality.

176 (c) Any municipal employee who leaves his municipal employment  
177 to accept a full-time elective municipal office shall be granted a  
178 personal leave of absence without pay from his municipal employment  
179 for not more than two consecutive terms of such office or for a period  
180 of four years, whichever is shorter. Upon reapplication for his original  
181 position at the expiration of such term or terms of office, such person  
182 shall be reinstated in his most recent municipal position or a similar  
183 position with equivalent pay or to a vacancy in any other position such  
184 person is qualified to fill. If no such positions are available, such  
185 person's name shall be placed on all reemployment lists for classes for  
186 which he is eligible. Such person shall give notice in writing to his  
187 municipal employer that he is a candidate for a full-time elective  
188 municipal office within thirty days after nomination for that office.

189 (d) Notwithstanding the provisions of subsection (c) of this section,  
190 upon the request of any municipal employee to whom a personal leave  
191 of absence has been granted pursuant to said subsection, his municipal  
192 employer may, in its sole discretion, determine whether to extend such  
193 leave of absence beyond the period permitted in said subsection and, if  
194 extended, what terms and conditions shall pertain to such extension.  
195 As part of any such extension, rights of reinstatement with equivalent  
196 pay or benefits may be granted to such employee.

197 (e) Any municipal employee shall have the right to serve on any  
198 governmental body of the town in which such employee resides except  
199 any body which has responsibility for direct supervision of such  
200 employee. [Notwithstanding the provisions of this subsection, (1) no  
201 such employee shall serve on any of the following unless such  
202 employee is permitted to serve pursuant to the provisions of a  
203 municipal charter or home rule ordinance or serves because of  
204 membership on the legislative body of the municipality: (A) Any board  
205 of finance created pursuant to chapter 106 or any special act or  
206 municipal charter; (B) any body exercising zoning powers pursuant to  
207 chapter 124 or any special act or municipal charter; (C) any body

208 exercising land use powers pursuant to chapter 125a or any special act  
209 or municipal charter; (D) any body exercising planning powers  
210 pursuant to chapter 126 or any special act or municipal charter; or (E)  
211 any body regulating inland wetlands and watercourses pursuant to  
212 chapter 440 or any special act or municipal charter; and (2) any  
213 municipality may, by ordinance adopted by its legislative body,  
214 authorize such employees to serve on (A) any body exercising zoning  
215 powers pursuant to chapter 124 or any special act or municipal charter;  
216 (B) any body exercising land use powers pursuant to chapter 125a or  
217 any special act or municipal charter; (C) any body exercising planning  
218 powers pursuant to chapter 126 or any special act or municipal charter;  
219 or (D) any body regulating inland wetlands and watercourses  
220 pursuant to chapter 440 or any special act or municipal charter.]

221 (f) Notwithstanding the provisions of subsection (e) of this section,  
222 no municipal employee elected or appointed on or after November 4,  
223 2003, to an office that the employee did not hold immediately prior to  
224 said date, including any municipal employee granted a leave of  
225 absence, shall vote or otherwise participate in his or her official  
226 capacity with respect to any matter involving (1) terms and conditions  
227 of employment of any person with immediate or ultimate supervisory  
228 authority for such employee or, in the case of an employee granted  
229 municipal leave, for such employee at the time of his or her election or  
230 appointment, (2) municipal personnel policies, (3) municipal collective  
231 bargaining, or (4) appropriation, authorization or other allocation of  
232 funding to the agency, program, service or position in which he or she  
233 is employed or, in the case of any employee granted municipal leave,  
234 in which he or she was employed at the time of his or her election or  
235 appointment."